

The Impact of Welfare Reform on Children: Can We Get It Right Before the Crunch Comes?

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Current claims of success for the new federal welfare law are misleading. Large numbers of welfare leavers have not found work, and many who find jobs lose them or earn so little they do not escape poverty. State sanctioning and termination policies have pushed many off the welfare rolls. Ample funds are available for sensible welfare policies and a few states have acted wisely. In his Essay on welfare reform, Professor Edelman argues that Congress should restore a safety net for children and prevent punitive state welfare policy choices. Further, this Essay argues that Congress should enlarge income support for workers, enact national health coverage, and expand child care funding. Finally, this Essay suggests that the debate should be broader and focus on reducing poverty—with attention on income and wealth distribution, race, and gender, as well as on policy areas like jobs in the regional economy and reform of urban school systems.

If reduction in the number of people receiving welfare is the sole criterion by which to judge success, the so-called “welfare reform” that President Clinton signed into law in August of 1996¹ is a smash hit. From a high of 14.3 million people in 1994,² the rolls plummeted to 7.3 million individuals by the late summer of 1999.³

The problem is that getting off welfare is not the same as getting a job, and is even more certainly not the same as getting out of poverty. Depending on the state, fifty percent to seventy percent of those leaving the rolls find employment, which means thirty percent to fifty percent do not.⁴ An Urban Institute study released in August 1999 said that 60% of the former welfare recipients interviewed had a job at the time they were questioned. That means forty percent did not.⁵ Some state-sponsored studies report higher percentages obtaining employment, but the fine print in such studies typically says that this is the percentage who had a job at some point during the year after they left welfare, not the percentage that had steady

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¹ The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (codified as amended in scattered sections of 42 U.S.C.).

² See *Citing Drop in Welfare Rolls, Clinton to Seek Further Cuts*, N.Y. TIMES, Jan. 25, 1999, at A14; Laura Meckler, *Welfare Roll Numbers Hit 30-Year Low*, WASH. POST, Jan. 25, 1999, at A4.

³ See Hanna Rosin & John F. Harris, *Welfare Reform Is on a Roll*, WASH. POST, Aug. 3, 1999, at A1.

⁴ See ARLOC SHERMAN ET AL., CHILDREN’S DEFENSE FUND, WELFARE TO WHAT: EARLY FINDINGS ON FAMILY HARDSHIP AND WELL-BEING 8 (1998).

⁵ See Rosin & Harris, *supra* note 3, at A6.

work.⁶ Another stratagem in some state-sponsored studies is to omit from the inquiry people who have returned to the rolls and people who were removed involuntarily from the rolls.⁷ Limiting the study to people who left on their own and stayed off raises the apparent proportion attributable to those who found work after leaving the rolls.

Why do people go off the rolls if they are not finding work? The answer is primarily state policies on sanctions and involuntary terminations. The new law is a block grant, which means states have tremendous flexibility in the welfare policies they adopt, but the prevailing philosophy of the law is work first. This means people are summoned to the welfare office to be referred to work. In many states they are removed from the rolls if they do not show up for a scheduled appointment, or as things unfold, if they fail to report the requisite number of job applications filed, or any of a long list of other infractions. If the state or county has its own work program, they can be terminated for failing to show up for work, being late, or insubordination. Mississippi, for example, has an extensive sanctioning program. In that state the rolls dropped by sixty-eight percent, but only thirty-five percent of those who left the rolls found work.⁸

Getting a job does not mean steady work. Unemployment insurance records from four states collected by the National Conference of State Legislatures indicated that only a third of those who obtained employment after leaving the rolls had earnings in all five three-month periods, or quarters, after they left welfare.⁹

Depending on the state, twenty percent to forty percent of those who leave the rolls are back on welfare again in three months—a fact that would not be as troubling if every day spent on welfare did not count against the cumulative lifetime limits for assistance imposed by the new law.¹⁰

Nor does getting a job spell an escape from poverty even if one is able to hold on to the job. Government census figures reveal that 2.3 million people work full-time throughout the year and are unable to escape poverty.¹¹ Another seven million work part-time and remain in poverty.¹² The average weekly pay of people who

⁶ See Judith Havemann, *Most Adults Find Jobs After Leaving Welfare*, WASH. POST, May 27, 1999, at A1.

⁷ See *id.* at A27.

⁸ See Telephone interview with Jack Tweedie, National Conference of State Legislatures (June 7, 1999) [hereinafter Tweedie interview]; see generally CENTER ON BUDGET & POLICY PRIORITIES, *COMPARISON OF AFDC STATE PEAKS TO PRESENT TANF CASELOAD* (1999).

⁹ See Tweedie interview, *supra* note 8.

¹⁰ See Carey Goldberg, *Most Get Work After Welfare, Studies Suggest*, N.Y. TIMES, Apr. 17, 1999, at A1, A12.

¹¹ See JOSEPH DALAKER & MARY NAIFEH, U.S. BUREAU OF THE CENSUS, PUB. NO. P60-201, *CURRENT POPULATION REPORTS: POVERTY IN THE UNITED STATES: 1997*, at 17 tbl.3 (1998).

¹² See *id.*

were on welfare in 1997 and had obtained jobs by early 1998 was \$214, about five-sixths of the 1997 poverty line for a family of three.¹³ The average income of a poor family with children that year was \$8688, 62% of which came from work and 21% from welfare.¹⁴

The figures on people leaving welfare who fail to find steady or full-time work, or do not get jobs at all, coupled with the facts about their low pay, spell out a troubling story. The number of people affected is large. The seven million people who left the rolls include about 2.5 million adults—mostly women.¹⁵ If forty percent of those women do not have work, that means a total of one million women lost benefits and have no earnings to replace them.

Poverty trends bear out what has happened. There has been a slight reduction in poverty overall, but not nearly as much as the decade's great prosperity would have portended. The new welfare law's adherents point to the small decrease in child poverty to slightly under twenty percent¹⁶ as though that is fabulous news, when the fact that one in five American children is poor is really a national disgrace. They never mention that child poverty in 1973 was 14.4%,¹⁷ hardly wonderful, but far better than where we are now. The even bigger point is that the poorest of the poor are actually worse off. During 1996 and 1997, the number of people trying to survive on incomes of less than half the poverty line—less than about \$6750 a year for a family of three in 1999—went up by 700,000, from 13.9 million to 14.6 million, which is about 40% of all the poor.¹⁸ The poorest 10% of single mothers lost 15.2% of their income over that period and the poorest 40% of single mothers all lost ground.¹⁹

What has taken place can be summarized very simply. Lost benefits have not been made up for by earnings. That is the story thus far. It is quite different from the rosy view projected by elected officials who supported the legislation when it was enacted. They have a stake in the most positive spin they can articulate.

Nor is the story merely one of numbers. In today's work first atmosphere, welfare offices not only terminate from the rolls those who are deemed noncompliant. They also fail to welcome new applicants. If a woman loses a job or

¹³ See CHILDREN'S DEFENSE FUND, *THE STATE OF AMERICA'S CHILDREN YEARBOOK* 17 (1999).

¹⁴ See *id.* at xiv.

¹⁵ See Rosin & Harris, *supra* note 3, at A6.

¹⁶ See LYNETTE RAWLINGS, *THE CTR. ON BUDGET & POLICY PRIORITIES, POVERTY AND INCOME TRENDS: 1997*, at 21 (1998).

¹⁷ See DALAKER & NAIFEH, *supra* note 11, at C-6.

¹⁸ See RAWLINGS, *supra* note 16, at 45.

¹⁹ See *Effects of Changes to the Welfare System: Before the Subcomm. on Human Resources of the House Comm. on Ways & Means* 105th Cong. (1999) (statement of Wendell Primus, Director of Income Security Ctr. on Budget & Policy Priorities), available in 1999 WL 20008285.

is deserted by her husband, she is very likely to be told to look for work before she will even be considered for assistance. This is called "diversion." Whatever the terminology, it does not pay the rent. She may well not be told she is immediately eligible, as a matter of federal law, for Medicaid and food stamps.²⁰ In a number of states, women have been forced to drop out of college and enter a work program or look for work, because college is not deemed consonant with the work first philosophy.²¹

As troubling as the facts are up to now, the toughest times lie ahead. A large percentage of the 2.5 million women still on the rolls is expected to have work by the time the federal five-year lifetime limit takes its first bite in 2001. Those still on the rolls are disproportionately people with less education, less work experience, fewer skills, and more personal problems. The women still on the rolls have nearly five million children who are also being placed in harm's way by the ticking of the clock. And of course, no one can say when the next recession is going to occur.

Sadly, this is all so unnecessary. There are states—Maine, Minnesota, Rhode Island, Vermont, and Washington among them—where the attitude is very different, where what they are doing is real welfare reform. Welfare workers are instructed to be positive and helpful. The philosophy is work-oriented, as it should be, but the policy is to deal with people as individuals and take their needs and problems into account in figuring out what to do. The idea is to help people find a job and child care and any other support they need so they can keep the job once they get it. The possible help includes education and training. The workers are also expected to be sensitive to circumstances that make it difficult for someone to take on a job or limit the number of hours they can work.

The good states, speaking generally, are investing substantial amounts in child care, health coverage, transportation initiatives, substance abuse treatment, mental health services, and education and training. They understand that getting a job does not automatically mean holding on to it and they invest in coaching to stay with people for the long haul. They are sensitive to problems of domestic violence and individual problems like learning disabilities. They offer wage supplements to people who have low-paying jobs, through their welfare structure, a state earned income tax credit, or both. They allow families to keep a portion of any child support payments collected by the state. They have no time limit on assistance, trusting their caseworkers to push people toward work without holding rigid time limits over their heads.

²⁰ See Goldberg, *supra* note 10; see also *Federal Court Finds New York City Illegally Deters and Denies Food Stamps, Medicaid, and Cash Assistance Applications and Bars Expansion of Job Centers*, WELFARE NEWS, Feb. 1999, at 1, 1.

²¹ See, e.g., *Unschooling Welfare Reform*, BOSTON GLOBE, Mar. 20, 1998, at A26; Joan Wallace-Benjamin & Gloria Nemerowicz, *New Welfare System Fails on Education*, BOSTON GLOBE, Dec. 4, 1998, at A31.

Again speaking generally, and not to the detailed approaches of individual states, they have sanctions for people who do not cooperate, but they do not cut off the whole family from assistance, they do not use lifetime cutoffs, and their sanctions policy is carried out with a velvet glove (including procedural safeguards) rather than an iron fist. They reach out to fathers to get them involved with their children and they understand that the need for jobs policies relates to men as well as women. They are pursuing real transitional jobs programs providing experience doing useful work to people who cannot find jobs or are not ready for the give-and-take of regular workplaces. Finally, the good states have reasonably adequate benefits for people currently receiving assistance.

Why are there so few good states? Mainly, because my definition of a good state is not widely shared by the governors and legislators making policies. Generally, the previous system was not oriented toward helping or pushing people into work. Research in the 1980s revealed that nearly half of those on the rolls at any given moment had been on welfare in excess of eight years;²² there was a rush to judgment that the fault lay with the recipients. There was little interest in asking whether jobs were actually available and accessible, whether people were really employable, and whether necessary support structures like child care were in place. End welfare, the conservative advocates said, and the poor will take responsibility for themselves.²³ That was the ethos that impelled the 1996 law; it is the ethos that governs that law's implementation, in most states. The conservatives have been phenomenally successful in framing the issue as one of personal responsibility and nothing else.

Ironically, it is more possible than ever to pursue real welfare reform. People on the liberal side had been saying for some time that welfare reform should look like what I described above, but funding was never available to make the full measure of necessary investments in child care, transportation, training, and all the rest. The 1996 law provided a fixed annual amount of federal funds, flowing regardless of caseload size. Had a recession occurred immediately, disaster would have ensued absent an additional appropriation. Instead, when caseloads plummeted due to the combined effect of the prosperity of the past five years and the punitive approaches of many states, the states were up to their ears in unspent federal dollars—to the point where some Republicans in Congress advocated taking the money away from them.²⁴

Well over half the states have TANF (Temporary Assistance for Needy Families, the new acronym for welfare) surpluses. These states could do everything

²² See MARY JO BANE & DAVID T. ELLWOOD, *WELFARE REALITIES: FROM RHETORIC TO REFORM* 30 (1994).

²³ See generally CHARLES MURRAY, *LOSING GROUND* (1984) (discussing alternatives to social welfare policies existing at the time the book was published).

²⁴ See Robert Kuttner, *Looting Rainy-Day Funds*, WASH. POST, Aug. 3, 1999, at A15.

necessary to promote work in a genuinely constructive way and provide a humane safety net for children. They have chosen not to do so.²⁵

Child care is a good example of an opportunity that is not being pursued. The refrain heard around the states currently is that they have invested significant sums in child care and people are not making use of what is being offered. This is quite misleading. The need for assistance in paying for child care is one that extends to millions of people who are not poor and were never on welfare. One of the complaints of the "waitress mom," who preceded the "soccer mom" as the poster woman of political campaigns, was that she was working as hard as she could and not making ends meet and no one had ever helped her. She was right—and she still is. What too many politicians have done is set people at the lower income end of the spectrum against one another instead of promoting policies of fairness to help everyone needing help.

A few states—Illinois, Minnesota, and Rhode Island among them—have said they are going to provide help with child care on a continuing, sliding scale basis to everyone who needs help, regardless of whether they were ever on welfare. This is the right policy. As expensive as child care is, child care workers are badly paid and poorly trained. Child care for infants and toddlers is the most expensive of all and is almost nonexistent. So is child care for people who work evening and over-night jobs. Similarly, sick children are not welcome at their usual care locations. Child care for people with differing cultural backgrounds is scarce, too. Child care needs do not stop when children start school. There is a tremendous need for after-school programs for children of all ages—that is child care, too. Thus, there is plenty in which to invest.

What happens typically is that states make funds available, usually on a time-limited basis, to help only those leaving welfare. They make little or no effort to bring more child care on line, even though child care could be a good source of employment for women coming off welfare provided they are afforded appropriate training. Often, they are slow to process the paperwork that creates the "purchasing power" for the client. Sometimes their explicit policy is not to make the voucher available until the person can show she has a job. All of this means that she gets no child care help while she is looking for work; she may even lose the job she just obtained, because her child care was not in place. No wonder states are not "able" to spend the child care dollars they currently have.

Few states do much about transit beyond providing tokens or fare cards for a period of time. Investments in literacy, drug treatment, and mental health services are very limited. Income supplementation to make low-wage jobs stretch a bit further exists in a few places, but it is usually done with federal funds and therefore causes the five-year time clock to tick.

²⁵ See Robert Pear, *States Declining to Draw Billions in Welfare Money*, N.Y. TIMES, Feb. 8, 1999, at A1.

Worst of all, this is not the discussion we should be having. The issue should be how to end, or at least greatly reduce, poverty—not how to end welfare. The issue should be how we can help everyone who needs help qualifying for, getting, and keeping jobs—not just women coming off welfare. This means men, too, and it especially means young people looking for their first job. The issue should be how we are going to greatly reduce the need for welfare by providing the tools and supports so that the maximum number of people will become economically independent. The issue should be how we are going to restart the national debate on a number of issues that are not even on the table now.

Where is the discussion about what has happened to the distribution of wealth and income over the past twenty years? In the 1960s, liberals would lament that the pattern of income distribution was stagnant and had not changed for the better. Those were the good old days. Twenty years ago, the late Brookings economist, Arthur Okun, lamented that things had slipped to the point where the income of the top one percent of Americans equaled the income of the entire bottom twenty percent.²⁶ Now, the wealth of the top one percent equals forty percent of America's financial wealth.²⁷ Three men—Bill Gates, Warren Buffett, and Paul Allen—have wealth, \$156 billion in all, that exceeds the gross national product of the poorest 43 countries in the world combined, a total of \$136.2 billion.²⁸ The ratio of the income of a top executive in Silicon Valley to the income of a minimum-wage worker went from 42 to 1, in 1991, to 220 to 1, in 1996.²⁹

These facts mean we approach the issue of poverty with one hand tied behind our collective back. Tax policy will not put this genie back into the bottle. However, a serious national discussion could express our collective national disapproval of such excess. I was in Japan some years ago, visiting the president of the Industrial Bank of Japan, along with a group of American executives, on the day that the earnings of the CEO of General Motors were reported. The number was very high, although paltry by 1999 standards. The Japanese executive expressed outrage, saying we Americans should be ashamed of ourselves for permitting such outsized remuneration. Societal attitudes are very important.

The debate over national priorities remains skewed, too. Running a surplus for the first time in memory, we are in a position to meet the needs of children and families across the board—especially those in greatest need. Yet, those first at the trough were the highway builders, defense increasers, social security savers, tax

²⁶ See ARTHUR M. OKUN, BROOKINGS INST., *EQUALITY AND EFFICIENCY: THE BIG TRADEOFF* (1975), reprinted in THE ASPEN INST., *JUSTICE & SOC'Y PROGRAM, SEMINAR READINGS ON JUSTICE AND SOCIETY* 121 (1997).

²⁷ See Robert Reich, *The Missing Options*, AM. PROSPECT, Nov.-Dec. 1997, at 6, 8.

²⁸ See *Numbers*, TIME, July 26, 1999, at 17, 17.

²⁹ See CHRIS BENNER, *GROWING TOGETHER OR DRIFTING APART: WORKING FAMILIES AND BUSINESS IN THE NEW ECONOMY* 3 (1998).

cutters, and deficit reducers. Some of those groups have a strong claim, to be sure, but the people who wanted to invest in children and families were last in line. Under the budget-balancing agreement of 1997, we have the ironic situation that we are awash in money. Yet, the so-called "caps" actually dictate decreases in domestic discretionary spending for the next few years.³⁰

Where is the honest discussion about race and gender? Race and ethnicity must figure in the poverty picture when the poverty rates of African-Americans and Latinos remain stubbornly at three times the level of whites.³¹ President Clinton convened a distinguished panel on race, which barely touched the issue of race and poverty.³² I could only surmise that it was rendered off-limits by the White House, which had a vested interest in pretending that the new welfare law had solved the problem. Yet, employment discrimination is a complicating factor in every job market in America. Employment testing—sending out matched pairs of African-American and white, or Latino and Anglo testers—reveals overt discrimination one time in five, and a whopping two times out of three in private job-referral agencies.³³ These issues need to be on the table.

Gender discrimination is still a factor, too, and is now appearing in a new, class-based form. New findings about brain development have impelled some to urge new mothers to stay home with their children (why not fathers?) for an extended period of time.³⁴ Yet, many of those same people are vehement in their insistence that new mothers who are on welfare go to work soon after their child is born.

Men have largely disappeared from the poverty discussion. In the sixties, amid the urban unrest of the time, political leaders stressed the need for jobs. The discussion was in fact sexist, since most of the discourse was about opportunities for young men. Now the focus is jobs for women—albeit mostly in the form of exhortations and threats—and the policy for men is prison. The country seems to have made a collective decision that the thing to do with young men who stray from or are effectively pushed off the conventional path of school headed to work is to put them in jail. The issue is seldom discussed, although here and there people are beginning to wonder out loud about the exorbitant cost of locking up 1.8 million men and women in this very rich country.

So the first challenge is to regain the high ground in the debate—indeed, to have a debate. Personal responsibility is essential—perhaps people on the

³⁰ See, e.g., *An Ugly Way to Govern*, WASH. POST, Aug. 15, 1999, at B6.

³¹ See DALAKER & NAIFEH, *supra* note 11, at vii.

³² See generally THE PRESIDENT'S INITIATIVE ON RACE, ONE AMERICA IN THE 21ST CENTURY: THE ADVISORY BOARD'S REPORT TO THE PRESIDENT (1998).

³³ See FAIR EMPLOYMENT COUNCIL OF GREATER WASH., INC., THE FAIR EMPLOYMENT COUNCIL: OPENING DOORS TO ECONOMIC OPPORTUNITY 1 (1999).

³⁴ See, e.g., Judy Mann, *Making the Most of the Early Years*, WASH. POST, Apr. 16, 1997, at E13.

progressive side were slow to acknowledge that—but structural arrangements in society have a massive impact on who is poor and who is not, on who has a fair chance and who does not. There is a continuing national policy agenda which is mostly impossible to pursue in today's national politics. But our national pendulum swings back and forth and a better day will come.

We must enact universal health coverage for all Americans. To make that happen, the clamor for action needs to begin now. With the debacle of managed care, one would think the discussion would already be more insistent, but the failure of Clinton's health plan had a chilling effect that still casts a pall over the whole issue.

The issue of an adequate income for working people has support that crosses party lines, evidenced by the broad support for the Earned Income Tax Credit (EITC) expansion during Clinton's first term and the more recent increase in the minimum wage, enacted by a Republican Congress. A further increase in the minimum wage may well be enacted by the time this Essay is published; and it is time to consider further enrichment of the EITC, for example, by adding a larger payment for families with three children. A more ambitious possibility would be a living wage requirement at something like 50% higher than the minimum wage for all companies that receive special tax breaks from or contracts with the federal government.

Health care and a decent income for people whose work does not produce a fair return, and the child care problems discussed earlier, are part of a larger issue that needs to come more prominently into our national discussion—fairness. The issue is not just poverty; and poverty in itself commands little political appeal. The issue concerns the millions of Americans whose incomes have not reflected a fair share in our real national growth over the past thirty years. We are twice as wealthy a nation. Yet most Americans are not twice as well off, and a few are exponentially better off. Income for working people, health coverage, child care, affordable housing, and help with college are all fairness issues that relate to millions of people. Politicians talk a good game about some of these issues, but their actions range from modestly incremental to nonexistent.

Focus on working people is politically salient, but we owe it to the most vulnerable Americans, especially their children, to insist on reweaving a basic safety net for families where no one has work for whatever reason. This is of course a continuing hot button issue, but debate over reenactment of the 1996 welfare law will begin in the next administration and we need to lay the groundwork for a better policy.

There are a number of detailed issues. How old must a child be before the mother is required to go to work? Can we explicitly state that mothers caring for chronically ill children or relatives and grandmothers caring for children whose mothers have serious problems, are not expected to work outside the home? What about people living in areas of chronic or localized recession? What is our bottom

line on functional disability—should there be a definition of effective disability for welfare purposes that is different from the one we use for Supplemental Security Income (SSI)?³⁵ Can we decide that cutting whole families off from cash assistance for the non-cooperation of the mother is too punitive for the children? We have to concede that defining the safety net for children whose parents are people of working age is a far more complicated task than we ever admitted, but we should insist at the same time that the “carte blanche” that the 1996 law gave the states—to have no safety net at all—is unacceptable.

If national policy remains a vital area for action, those on the progressive side need to become much more active locally, not just in policy advocacy in state legislatures in the wake of devolution, but also in civic-renewal efforts to bring local actors of all kinds into community-building processes that address the problem of poverty. National policy is essential, but there are at least three overlapping areas where all the national and even state policy in the world will not suffice if people at the local level do not come together and make things happen in their community.

First, consider jobs. It does not take a rocket scientist to understand that today’s job growth is occurring on the peripheries of our big cities. This has been true for a long time. It is also true that the public mechanisms we have to help connect people to jobs are (with some exceptions) especially ineffective in helping low-income people. Every community should convene its business, labor, educational, philanthropic, political, religious, nonprofit, neighborhood, and other civic leaders to say, “The name of the game is jobs in the regional economy. What are we going to do about it?”

This task relates to the implementation of the new welfare law, but it is of course much bigger than that. It relates to a fair shot at jobs for everyone. It means, on the one end, identifying what employers need and the training and preparation they want people to have. It means, on the other end, identifying people in the neighborhoods and getting them into the preparatory processes they need in order to succeed. It means building the infrastructure of child care, transportation, and every other service and support people need in order to get from here to there and stay there. It means facing up to discriminatory attitudes and dealing with them.

This is a civic task. No one can do it except the people who live it, in each community. It may seem obvious, so perhaps one reason it has not occurred is that it is difficult even if it is obvious. Additionally, for varying reasons, too many people have not seen the problem at all. Until the current boom, employers have been able to get workers without bothering to reach more deeply. Neighborhood revitalization people have kidded themselves into believing they could solve everything within the four corners of their neighborhoods. The latter were especially wrong—I want to say this very clearly. Neighborhood revitalization is important.

³⁵ See generally Matthew Diller, *Entitlement and Exclusion: The Role of Disability in the Social Welfare System*, 44 UCLA L. REV. 361 (1996).

I believe in it. But there will *never* be enough jobs within the neighborhood for everybody. Unless community-based organizations turn to the tasks of getting people to jobs in the regional economy and creating a full range of choices about where people can live in the region, the disaster we have had in America's inner cities for the past thirty years will continue and get worse.

Second, consider schools. We have to fix the public schools—period. We can have all the magnet, charter, and alternative schools we want—those are part of the solution—but we have to fix all of the schools. As long as our commitment is only to help the most resourceful parents pursue choices for their children, we will be condemning many other children to school years of inadequate education and ultimately to repeating the lives of disappointment and failure that their parents have experienced.

This is a civic challenge as well. In the few urban school systems where serious change is occurring, the business community, foundations, parents, and others have come together to support change. They are in the schools on a daily basis in various ways, supporting change. We are at a crisis point now. Standards-based reform is sweeping the country, emanating mostly from state legislatures, and in some cases from superintendents' offices. I believe in standards. I believe all children can learn. But, in too many places students are being held accountable without holding schools and teachers accountable. If there are standards, there has to be teaching, attention, and remediation to help students meet the standards. If the process is simply to push out those who do not pass the tests, we will be hurting at least as many children as we have for a long time, and maybe more.

"Ending social promotion" is the newest bumper sticker. We responded to many of the men who did not make it by sending them to prisons. Then we blew up at the women who stayed on welfare and kicked them off, telling them to get off their tail and go to work. The latest is the children. Now we are saying it is their fault that we did not teach them anything, so they will have to suffer the consequences. We know that successful schools produce children who pass tests, and even more importantly, learn. Creating successful schools is a civic challenge.

Third, consider inner city revitalization. The increased concentration of the poor in central cities is a continuing crisis. Getting people to jobs throughout the region and improving the schools their children attend are critical steps, but so is making neighborhoods safe and pleasant—transforming them into genuine communities that offer support to families raising their children. Nationally generated resources are essential for this work, but this is a matter of civic commitment, too. Without listing them again, all of the major players in a city can provide assistance and support in the building of stronger institutions and organizations in low-income neighborhoods—by improving housing, bringing stores that sell goods at nationally competitive prices, improving health care delivery, making law enforcement more effective and just, and so on. One of the key lessons of the recent Empowerment Zone experience is how important the assistance of outside professionals of all kinds

is in making the local infrastructure effective. The inner city represents another challenge for civic renewal.

I want to say a special word for lawyers and law students.³⁶ There are continuing litigation opportunities for student legal clinics, pro bono lawyers in private practice, and legal services lawyers. This is obvious. The individual representational needs of low-income people are as pressing as they ever were; landlord-tenant, domestic relations, and public benefits issues need to be addressed. There are even occasional matters in which it is still possible to use the courts to require a governmental entity to live up to its statutory or constitutional obligations. But the new thing that we are understanding more fully now is the need for transactional assistance, for community-building assistance. Such tasks as community economic development and establishment of new child care centers and health clinics require legal assistance. Issues of incorporation, licensing, financing, code compliance, and day-to-day operation all present legal issues and associated challenges to involve other professionals with which lawyers can help, too.

Somehow, law students and lawyers continue to romanticize public interest law as a quest to find the next *Brown v. Board of Education* that will magically unlock the injustice that bedevils America's poor. It does not work that way any more. It never did, actually. If we are going to make progress in alleviating poverty in America, if we are going to avoid the crunch that is just around the corner with welfare time limits and a potential recession, we need to understand a whole lot better what the real agenda for change is, and we need to get to work pursuing it.

³⁶ For a longer version of the thoughts expressed in this paragraph, see generally Peter Edelman, *Opening Address*, 25 *FORDHAM URB. L.J.* 685 (1998).